

Date: Sat, 26 Mar 94 04:30:02 PST
From: Ham-Policy Mailing List and Newsgroup <ham-policy@ucsd.edu>
Errors-To: Ham-Policy-Errors@UCSD.Edu
Reply-To: Ham-Policy@UCSD.Edu
Precedence: Bulk
Subject: Ham-Policy Digest V94 #150
To: Ham-Policy

Ham-Policy Digest Sat, 26 Mar 94 Volume 94 : Issue 150

Today's Topics:

 Hitchhiker's Guide to Pirate Radio (2 msgs)

Send Replies or notes for publication to: <Ham-Policy@UCSD.Edu>
Send subscription requests to: <Ham-Policy-REQUEST@UCSD.Edu>
Problems you can't solve otherwise to brian@ucsd.edu.

Archives of past issues of the Ham-Policy Digest are available
(by FTP only) from UCSD.Edu in directory "mailarchives/ham-policy".

We trust that readers are intelligent enough to realize that all text
herein consists of personal comments and does not represent the official
policies or positions of any party. Your mileage may vary. So there.

Date: Fri, 25 Mar 1994 18:07:06 GMT
From: ihnp4.ucsd.edu!swrinde!cs.utexas.edu!convex!news.utdallas.edu!wupost!
crcnis1.unl.edu!news.unomaha.edu!cwis!pschleck@network.ucsd.edu
Subject: Hitchhiker's Guide to Pirate Radio
To: ham-policy@ucsd.edu

In <199403232354.PAA14629@jobe.shell.portal.com> nobody@shell.portal.com writes:

>THE HITCHHIKER'S GUIDE TO OPERATING A PIRATE RADIO STATION

>-----

> Revision 2 (March, 1994)

[...]

I don't know why I'm even encouraging this, but I couldn't let some
extremely stupid advice go by without comment.

>III. DEALING WITH THE AUTHORITIES

>(What to do when you get caught with your pants down)

[...]

>If they question you about the presence of antennas of radio equipment,
>tell them that you are an amateur radio operator. If they ask your
>what you are doing with the equipment, you should tell them you are
>doing some experiments in radio wave propagation. With any luck, that
>will satisfy their curiosity about the radio equipment.

[...]

Chances are, if representatives of the FCC (or even somewhat knowledgeable law enforcement authorities) are present, their counterreply will be "Let me see your amateur radio license." Oh, you didn't know that amateurs are not only required to have licenses, but have them available for inspection anywhere that they operate? Eventually they will find out who you are and that you are not an amateur, and you will have lying to authorities (and misrepresenting federal credentials) tacked on top of your charges.

It's extremely stupid advice because it's just not believable. The FCC will immediately suspect any idiot who tries to stick with such a story because:

- They know full well what amateur radio equipment looks like, and your little Ramsey or FRB pirate playset is not it.
- Amateurs generally don't hide out in the woods alone wearing dark clothing, then mumble something about "wanting a lawyer" when confronted.
- Amateurs are much more likely to engage in high-visibility operations and be more than happy to brag about their equipment and its operation in excruciating detail (day-glo vests and ball caps emblazoned with dozens of various patches and ID badges optional).

Oh, and the FCC doesn't need a warrant or probable cause to inspect radio transmitting equipment (particularly if you've told them that cockamamy story about being an "amateur" which is tantamount to an invitation).

Actually, I'm almost hoping that someone **will** follow this idiotic advice and get burned down by the authorities. Lack of basic common sense seems to be quite prevalent among the windmill-tilting "activists" that seem to populate many of these alt.gee-what-a-great-cause newsgroups, anyway.

--

Paul W. Schleck
pschleck@unomaha.edu

Date: Fri, 25 Mar 94 19:02:19 PST
From: ihnp4.ucsd.edu!usc!crash!hale!system@network.ucsd.edu
Subject: Hitchhiker's Guide to Pirate Radio
To: ham-policy@ucsd.edu

pschleck@cwis.unomaha.edu (Paul W Schleck KD3FU) writes:

> In <199403232354.PAA14629@jobe.shell.portal.com> nobody@shell.portal.com writ
>
> I don't know why I'm even encouraging this, but I couldn't let some
> *extremely* stupid advice go by without comment.

I wouldn't talk too loud...

> >III. DEALING WITH THE AUTHORITIES

>

> [...]

> It's extremely stupid advice because it's just not believable. The FCC
> will immediately suspect any idiot who tries to stick with such a story
> because:

>

> - They know full well what amateur radio equipment looks like, and your
> little Ramsey or FRB pirate playset is not it.

Gosh, I used amatute equipment in some projects, and in others, I used
commercial, type accepted equipment, made for the bands I transmitted on.

>

> - Amateurs generally don't hide out in the woods alone wearing dark
> clothing, then mumble something about "wanting a lawyer" when confronted.

I've know several pirate operations first hands, this has never happened.

>

> - Amateurs are much more likely to engage in high-visibility operations
> and be more than happy to brag about their equipment and its operation
> in excruciating detail (day-glo vests and ball caps emblazoned with
> dozens of various patches and ID badges optional).

Which is, in-fact, all they seem to do.

> Paul W. Schleck

> pschleck@unomaha.edu

--- --- --- --- --- --- --- --- --- ---
System@hale.cts.com I believed what I was told, I thought it was a
Hale Telecommunications Inc. good life, I thought I was happy. Then I found
619/660-6734 V.32bis something that changed it all. (Anonymous, 2112)

Date: Fri, 25 Mar 1994 15:29:07 GMT
From: ihnp4.ucsd.edu!swrinde!emory!news-feed-2.peachnet.edu!concert!
hearst.acc.Virginia.EDU!murdoch!Hopper.itc.Virginia.EDU!jeg7e@network.ucsd.edu
To: ham-policy@ucsd.edu

References <Cn1Jys.28z@news.Hawaii.Edu>, <22MAR199406565240@nssdca.gsfc.nasa.gov>,
<Cn5MDq.3Ht@news.hawaii.edu>jeg7e
Subject : Re: Rich has flipped out (was: Morse Whiners)

In article <Cn5MDq.3Ht@news.hawaii.edu>,
Jeffrey Herman <jherman@uhunix3.uhcc.Hawaii.Edu> wrote:
>In article <22MAR199406565240@nssdca.gsfc.nasa.gov> stocker@nssdca.gsfc.nasa.gov
(ERICH FRANZ STOCKER) writes:
>>

>And neither did they have trade skills nor an education. With all the social
>programs for education and job training available today no one need suffer
>as these people did. Our community college system here in Hawaii is
>practically tuition-free. Those having to hold daytime jobs can take
>night or weekend classes. If one want to better their life nothing
>is holding them back except laziness.

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Any opinions expressed herein are not necessarily those of The University.

\\ / Jon Gefaell, Computer Systems Engineer | Amateur Radio, KD4CQY
\\ / A UNIX guy doing Netware - ITC/Carruthers | -Will chmod for Food-
\\ / The University of Virginia, Charlottesville | Hacker@Virginia.EDU

Jon Gefaell's Home Page

Date: Sat, 26 Mar 1994 00:08:22 GMT
From: news.Hawaii.Edu!uhunix3.uhcc.Hawaii.Edu!jherman@ames.arpa
To: ham-policy@ucsd.edu

References <RFM.94Mar18153733@urth.eng.sun.com>, <Cn1Jys.28z@news.hawaii.edu>,
<Cn2Is7.LMG@murdoch.acc.Virginia.EDU>
Subject : Re: Rich has flipped out (was: Morse Whiners)

In article <Cn2Is7.LMG@murdoch.acc.Virginia.EDU> jeg7e@Hopper.itc.Virginia.EDU

(Jon Gefaell) writes:

>In article <Cn1Jys.28z@news.hawaii.edu>,

>Jeffrey Herman <jherman@uhunix3.uhcc.Hawaii.Edu> wrote:

>>

>>Study hard, work hard, and then reap the benefits - that works quite
>>well here in the West; doesn't work too well though in N. Korea, China,
>>Viet Nam, Cuba, and the old Soviet Union.

>>

>>The anti-code folks have stooped to a new low; disgusting.

>

>You're such a beaurgeois pig. Your perspective is so shallow, your own
>ease of life blinds you from those who really do need to work hard.

Joan (oops I mean Jon): You know nothing of my life and what I've had to undertake to get where I'm at. Out of high school I immediately went to work as a fireman and took classes at a community college - couldn't afford the tuition at a university. At the tail end of the Viet Nam war I enlisted in the military (which is how I got to Hawaii). Only after that was I able to pay my way to a university (a freshman at age 26), as long as I continued to work part time (military reserve and lifeguard). I took no handouts (i.e. scholarships) - I completely paid my own way through the B.S. and M.A. and even now I am paying my own way while working on the doctorate, by taking on a very heavy teaching load here and at the community colleges. I picked myself up from nothing. And I used no social programs (free money for those too lazy to work) to get here.

My own ease of life? Have you ever lived out of a car? I have.

>Education is denied so many people, and so many of them work so hard, but
>I suppose in your world view they either don't exist, or are somehow other-
>wise not worthy of the benefits you enjoy, huh?

Education is denied to no one. If you show a need, tuition will be waived and scholarships/loans will drop in your lap at the community colleges here in Hawaii. Courses are offered at night and weekends for those having to hold down a day job. And I don't believe that this state is unique in this regard. All it takes is effort - a willingness to get off one's butt and put in extra hours in the books rather than staring at a TV for 5 hours every night.

>If you're a white, male, heterosexual, wealthy (relative to world realities)

The first 3 are correct. Wealthy? I go to work on a bicycle - had to sell the car because tuition went up.

>then it's easy to clamor about the qualities of life as a 'individual' but

>if you had to start out life with the same disadvantages and obstacles you
>might see things from a more social(ist) perspective.

I started with nothing. I took no handouts. But I found a way to pick
myself up.

>I don't (hardly) expect you to be able to understand this.

To Jeff Angus: Now I see where you got the above line from - you
got this article 2 days before my site got it!

>Jon Gefaell's Home Page

huh? Anyway, the moral of the story hasn't changed: study the code and don't
memorize the question pool.

Jeff NH6IL

Vietnamese Proverb: If you study you will become what you wish
If you do not study you will never become anything.

Date: Sat, 26 Mar 1994 04:38:45 GMT

From: ihnp4.ucsd.edu!agate!boulder!csn!cherokee!walter!dancer.cc.bellcore.com!not-
for-mail@network.ucsd.edu

To: ham-policy@ucsd.edu

References <p6z0gPq.edellers@delphi.com>, <mp3fntINNk13@news.bbn.com>,
<1994Mar25.045650.1416@mnemosyne.cs.du.edu>

Subject : Re: Coord. priority for open repeaters

In article <1994Mar25.045650.1416@mnemosyne.cs.du.edu>,

Jay Maynard <jmaynard@nyx10.cs.du.edu> wrote:

>In article <mp3fntINNk13@news.bbn.com>, Joel B Levin <levin@bbn.com> wrote:

>>And when some operator persists in communicating via the repeater, if

>>he or she does this without causing interference, the repeater owners

>>or trustees wouldn't have a leg to stand on with the FCC, even if the

>>FCC would listen. That operator has broken no rules. So the only

>>choice for the trustee is either to shut down the repeater or to

>>ignore the user.

>

>You must have missed the letter from the chief of the FCC's private radio

>bureau that says that any trustee can prohibit any operator from using a

>repeater. Combine that with the FCC's oft-repeated position that the band

>plans represent good amateur practice within the meaning of the rules, and

>someone who insists on transmitting on a repeater input when he has been

>advised that he is not permitted to use the repeater would be in violation of

>the rules. I don't know of any cases where that has been held, yet, and don't
>expect there to be any so far - but just wait...that's a logical conclusion to
>what they've already said.

By logical extension then, the FCC is saying that a specific frequency within the amateur band is now the sole possession of the repeater trustee to determine who can and can't use it. I really don't think that'll stand in the long run and as Jay mentions it sure hasn't been tested yet. Remember, you must be in violation of specific rules for the FCC to take action, fine you, etc.

>The simple fact of the matter is that nobody has the right to use another's
>amateur station without his permission. Arguments about freedom to use a
>frequency are irrelevant: it's the use of the station that the FCC has said
>is important.

>Jay Maynard, EMT-P, K5ZC, PP-ASEL | Never ascribe to malice that which can

The flaw in this last statement is that by virtue of establishing a repeater, one does offer the use of that repeater to all amateurs. Frankly, the existence of the repeater is publicly known, there is no established (by part 97 rules) practices that the repeater owner can point to that provides a means to set forth a list of who can (or more importantly who can't) use the repeater. As to using another's amateur station, that's really a myth. If you place NO locks on the door, then anyone can incidentally cause the repeater to operate which is exactly what the repeater was put on the air for.

As to using the station, when I transmit, I'm only using my equipment. The "use" of the repeater is because the repeater is there. Maybe that sounds simplistic, but I'd bet a court would view it that way too. Frankly, repeater owners that want to forbid another from using the repeater just by asserting the demand to not use it is like telling people they shouldn't listen to your radio which you have playing in a public location, or if you had a PA system on, trying to tell people who have every right to be in the vicinity to of the PA system to not speak into the microphone.

Anyway, until a "test" case is pushed by some repeater owner, all this is conjecture and academic discussion. Frankly, I believe closed repeaters are wholly against the spirit and intent of amateur radio in general. Your mileage may vary...

Standard Disclaimer- Any opinions, etc. are mine and NOT my employer's.

Bill Sohl (K2UNK) BELLCORE (Bell Communications Research, Inc.)
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End of Ham-Policy Digest V94 #150
